

**REMARKS**

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. In response to the Restriction Requirement of September 28, 2005, Applicants have, with traverse, provisionally elected Group II, claims 5-19 and 22-26, drawn to an optical recording medium capable of recording both digital and analog information. Applicants have also cancelled claims 1-4, 13-21 and 23-26 and amended claims 1-12. Support for the amendments can be found at least on pages 5 and 8 and Figs. 1a-1b. Claims 5-12 and 22 are pending in the application. No new matter has been added. Reconsideration of the claim is respectfully requested.

Claims 5-8, 10, 12 and 22-26 were rejected under 35 USC 102(a) as being anticipated by Kobayashi (JP 2001-184691). Claims 5-6, 9, 10, 12, 22, 23 and 25-26 were rejected under 35 USC 102(b) as being anticipated by Mizutani (JP 01-144247). Claims 5-6, 9, 10, 22, 23 and 25-26 were rejected under 35 USC 102(b) as being anticipated by Stevens '587. Claims 5-6, 9-12 and 22-26 were rejected under 35 USC 102(b) as being anticipated by Pardee '989. Claims 5-8, 10, 22, 23 and 26 were rejected under 35 USC 102(b) as being anticipated by Hamano "Rewritable Near Field optical recording on photochromic films." Claims 5-8, 10, 22, 23 and 26 were rejected under 35 USC 102(b) as being anticipated by Numakura. Claims 5-8, 10-12 and 22-26 were rejected under 35 USC 102(a) as being anticipated by Ogura (JP 2001-076382). Claims 5-8, 10-12 and 25-26 were rejected under 35 USC 102(e) as being anticipated by Weiss '679. Claims 5-6, 8-14, 16-19 and 22-26 were rejected under 35 USC 103(a) as being unpatentable over Lee '627 and Russell '704. Claims 5-19 and 22-26 were rejected under 35 USC 103(a) as being unpatentable over Lee and Russell and further in view of Ogura P 2001-076382. Applicants respectfully traverse the rejections.

Kobayashi fails to teach or suggest at least digital data formed on a material, the digital data including discrete optical images as recited in Applicants' independent claims 5 and 22. Rather, Kobayashi discloses a technique to increase the recording density on a recording medium, or recording layer, by recording information on the layer using near field light. However, Kobayashi does not disclose that digital data (bits) on the recording layer include discrete (analog) optical images. See Applicants' Specification Figs. 1a-1b; page 5. Moreover,

marking a surface (e.g., marking size) to create digital data on a recording surface using near field optics is not the same as including discrete optical images on the digital data itself.

Mitsutani fails to remedy the deficiencies of Kobayashi as Mitsutani also fails to teach or suggest at least digital data formed on a material, the digital data comprising discrete optical images. Rather, Mitsutani discloses a technique to produce a disk rapidly by recording information on a photosensitive material using a mask. Mitsutani does not disclose digital data including discrete optical images.

Stevens fails to remedy the deficiencies of Kobayashi and Mitsutani as Stevens also fails to teach or suggest at least digital data formed on a material, the digital data comprising discrete optical images. Rather, Stevens provides minute images on photoresists.

Pardee fails to remedy the deficiencies of Kobayashi, Mitsutani and Stevens as Pardee also fails to teach or suggest at least digital data formed on a material, the digital data comprising discrete optical images. Rather, Pardee merely discloses a technique for improving lubricity for lowering the coefficient of friction on photographic film.

Hamano fails to remedy the deficiencies of Kobayashi, Mitsutani, Stevens and Pardee as Hamano also fails to teach or suggest at least digital data formed on a material, the digital data comprising discrete optical images. Rather Hamano discloses the use of a ultra-small light source and a micropipette to write and read recording marks on thin film photochromic media.

Numakura fails to remedy the deficiencies of Kobayashi, Mitsutani, Stevens, Pardee and Hamano as Numakura also fails to teach or suggest at least digital data formed on a material, the digital data comprising discrete optical images. Rather, Numakura discloses that placing a film with a negative image in contact with the object and exposing both the image and the object layer to light can correct the object.

Ogura fails to remedy the deficiencies of Kobayashi, Mitsutani, Stevens, Pardee, Hamano and Numakura as Ogura also fails to teach or suggest at least digital data formed on a material, the digital data comprising discrete optical images. Rather, Ogura discloses a multilayer disk structure to protect a tracking layer from damage.

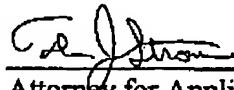
Weiss fails to remedy the deficiencies of Kobayashi, Mitsutani, Stevens, Pardee, Hamano, Numakura and Ogura as Weiss also fails to teach or suggest at least digital data formed on a material, the digital data comprising discrete optical images. Rather, Weiss discloses a near-field optical device for overcoming the diffraction-limited spot size of a far-field optical device. Col. 2, lines 54-58. However, marking a surface (e.g., spot size) to create digital data on a recording surface using near field optics is not the same as including discrete optical images on the digital data itself.

Thus, it is submitted that further consideration of claim rejections under 35 USC 103(a) upon the citing of the ninth and tenth applied prior art references to Russell and Lee are moot, inasmuch as the combination of Kobayashi, Mitsutani, Stevens, Pardee, Hamano, Numakura, Ogura, Weiss, Russell and Lee still lack any teaching, disclosure, or suggestion concerning digital data including discrete optical images as previously discussed.

In view of the above remarks, Applicants respectfully submit that claims 5 and 22 are patentable over the cited references. Because claims 6-12 include the features recited in independent claim 5 as well as additional features, Applicants respectfully submit that claims 6-12 are also patentably distinct over the cited references. Nevertheless, Applicants are not conceding the correctness of the Examiner's rejection with respect to such dependent claims and reserves the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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